

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ELECTRONIC APPLICATION OF DUKE)	
ENERGY KENTUCKY, INC. TO AMEND ITS)	CASE NO.
DEMAND SIDE MANAGEMENT PROGRAMS)	2017-00324

ORDER

On August 15, 2017, Duke Energy Kentucky, Inc. (“Duke Kentucky”) filed its Application to Amend Its Demand-Side Management (“DSM”) Programs (“Application”). The Commission issued an Order on August 29, 2017, that, among other things, required any motion to intervene to be filed no later than September 8, 2017.¹ That Order also required a person who submits a motion to intervene after September 8, 2017, to demonstrate good cause to support the untimely intervention.²

Pursuant to 807 KAR 5:016, Section 16(2)(c), the applicant must serve a copy of its application on the Office of Attorney General’s Office of Rate Intervention (“Attorney General”). Duke Kentucky’s Application indicates that the required copy was served via mail on the Attorney General.³

On September 11, 2017, the Attorney General, citing KRS 367.150(8), untimely filed a motion to intervene.⁴ In the Motion to Intervene, the Attorney General acknowledges that his motion is untimely, yet states that he has good cause for the

¹ Order (Ky. PSC Aug. 29, 2017).

² *Id.* at 4.

³ Application at 10.

⁴ Attorney General’s Motion to Intervene Out of Time (filed Sept. 11, 2017) (“Motion to Intervene”) at 1.

untimely motion.⁵ The Attorney General states that his Motion to Intervene is being filed only one business day after the deadline for timely intervention. The Attorney General also states that “[d]ue to time and resource constraints, including the review of Duke’s own rate increase application, the Attorney General wished to wait until it was certain that he could adequately and materially participate in this matter prior to intervening.”⁶ The Attorney General, upon reviewing the timing of this proceeding and his staff’s schedules, now believes he is able to participate in the case and play a constructive role in the proceeding, and that a deeper understanding of Duke Kentucky’s DSM initiatives is necessary to effectively protect consumer’s interests.⁷ The Attorney General also states that he will abide by the procedural schedule, and as such, his late intervention will not unduly prejudice any party.⁸

We find that the Attorney General’s Motion to Intervene demonstrates good cause for his late intervention into the case. We find that requiring the Attorney General to accept and abide by the existing procedural schedule is adequate to protect the rights of Duke Kentucky and maintain an orderly review of the Application. Having found good cause, we will grant the Attorney General’s motion to intervene.

⁵ *Id.* at 1–2

⁶ *Id.*

⁷ *Id.* at 2.

⁸ *Id.*

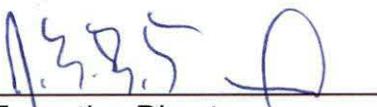
IT IS HEREBY ORDERED that:

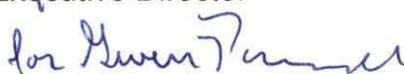
1. The Attorney General's Motion to Intervene is granted.
2. The Attorney General shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.
3. The Attorney General shall comply with all provisions of the Commission's regulations, 807 KAR 5:001, Section 8, related to the service and filing of documents.
4. The Attorney General shall adhere to the procedural schedule set forth in the Commission's August 29, 2017 Order and as amended by subsequent Orders.
5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days from the date of this Order, the Attorney General shall file a written statement with the Commission that:
 - a. Certifies that he, or his agent, possesses the facilities to receive electronic transmissions; and
 - b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding should be served.

By the Commission



ATTEST:



Executive Director


Case No. 2017-00324

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